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Docket No. 2224/76581/JPW/LCM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jacob Bar-Tana and Ihor Bekersky
Serial No.: 10/585,017 Examiner: M. Sznaidman
Filed : June 28, 2006 Art Unit: 1612
For : METHODS OF ADMINISTERING 3, 3, 14, 14 TETRAMETHYL
HEXADECANE 1, 16 DIOIC ACID

30 Rockefeller Plaza
New York, New York 10112
April 22, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

COMMUNICATION IN RESPONSE TO MARCH 24, 2010 OFFICE ACTION

This Communication is submitted in response to the March 24, 2010 Office Action which was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the March 24, 2010 Office Action is due April 24, 2010. Accordingly, this Communication is being timely filed.

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Restriction Requirement Under 35 U.S.C. §121

In the March 24, 2010 Office Action, the Examiner required that applicants elect one of the following single disclosed species of symptoms associated with Metabolic Syndrome listed below for prosecution on the merits to which the claims shall be restricted if no generic claims are finally held to be allowable:

1. a method of evaluating plasma level of HDL;
2. a method of decreasing plasma level of LDL;
3. a method of decreasing the plasma level of triglycerides;
4. a method of treating dislipoproteinemia;
5. a method of treating hyperlipidemia;
6. a method of treating hypertension; or
7. a method of delaying the onset of non-insulin dependent diabetes mellitus.

The Examiner asserted that the species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under Rule 13.2, the species lack the same or corresponding special technical features.

Applicants' Response

In response, applicants hereby elect species #4, a method of treating hyperlipidemia, as the species of symptoms associated with Metabolic Syndrome. Applicants note that claims 1, 11 and 20-29 encompass the elected species.

Accordingly, applicant looks forward to examination of the pending claims in the subject application.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if a fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants (Customer #23432)
Cooper & Dunham LLP
30 Rockefeller Plaza
20th Floor
New York, New York 10112
(212) 278-0400

I hereby certify that this correspondence is being deposited on this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

John P. White 4/22/10

John P. White	Date
Reg. No. 28,678	